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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,404	10/29/2003	Christopher J. Willems	325-010	7261
	7590 03/28/200 AW GROUP, LLC	EXAMINER		
5555 E. VAN BUREN STREET, SUITE 100			WINNER, TONY H	
PHOENIX, AZ 85008			ART UNIT	PAPER NUMBER
			3611	
SHORTENED STATUTORY	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MOI	NTHS	03/28/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
	10/697,404	WILLEMS ET AL.				
Office Action Summary	Examiner	Art Unit				
· ·	Tony H. Winner	3611				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DOWN - Extensions of time may be available under the provisions of 37 CFR 1.11 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 09 Ja	anuary 2007.					
	action is non-final.					
· <u> </u>						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) is/are pending in the application	n.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)⊠ Claim(s) <u>20 and 21 is/are allowed.</u>						
6)⊠ Claim(s) <u>1 and 4-19</u> is/are rejected.	6)⊠ Claim(s) 1 and 4-19 is/are rejected.					
7)⊠ Claim(s) <u>2 and 3</u> is/are objected to:	)⊠ Claim(s) <u>2 and 3</u> is/are objected to.					
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers	,					
9) The specification is objected to by the Examine	er.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).				
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)	)-(d) or (f).				
1. Certified copies of the priority document	1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau	, , , , , , , , , , , , , , , , , , , ,					
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)		(570, 440)				
Notice of References Cited (PTO-892)     Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da					
3)  Information Disclosure Statement(s) (PTO/SB/08)						

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### Acknowledgment

1. Receipt of the amendment filed 1/9/07 has been acknowledged and entered. Claims 22-25 have been canceled.

### Withdraw Previously Allowable Subject Matter

2. The indicated allowability of dependent claim 12 is withdrawn in view of Niklasson (6,241,268 B1). The delay in citation of the new grounds of rejection is regretted.

### Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

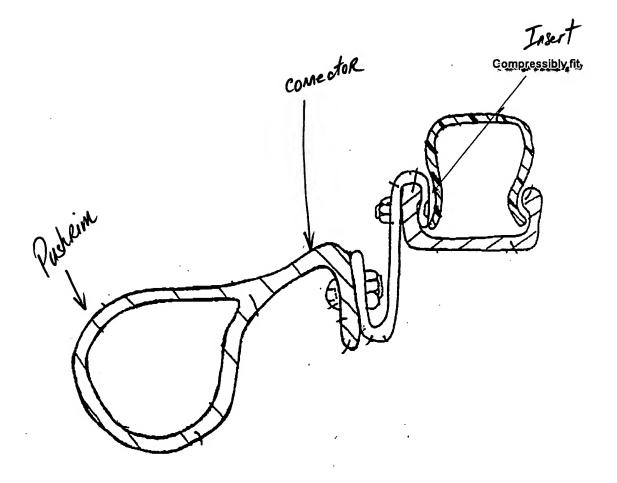
Claims 1, 4-6, 9-11, 13-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Niklasson (USPN. 6,241,268 B1).

Niklasson discloses a wheelchair pushrim system comprising:

- a. a pushrim (2);
- b. a wheel (27) connected to the pushrim;
- c. a connector (see illustration) connecting the pushrim to the wheel; and
- c. an insert compressibly fit (see illustration) between the pushrim and the wheel.

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With regard to claims 4-6, 9-11, 14-16, and 19 Niklasson discloses all of the claimed limitations.

## Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niklasson in view of DeSouza (USPN. 5,938,184).

Niklasson is disclosed above but lacks the teaching of at least on rib to improve structural strength.

DeSouza discloses a plastic fence construction wherein board sets (38 and 45) include internal walls (rib - 43) as a stiffener to improve the structure of the board sets.

Based on the teaching of DeSouza, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pushrim of DeSouza to include the internal walls of Niklasson so as to provide structural strengthening for the pushrim of the wheelchair.

### Allowable Subject Matter

- 5. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. Claims 20-21 are allow.

### Response to Arguments

7. Applicant's arguments filed 1/9/07 have been fully considered but they are moot in view of reference to Niklasson.

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The office would like to address the applicant's argument to reference (DeSouza) which is said to be non-analogous art. In response it has been held that the determination that a reference is from a **nonanalogous art** is two fold. First, a determination if the reference is within the field of the inventor's dendeavor. If it is not, the next process is to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. In this case, the reference to DeSouza is solving the same problem as the claimed invention, to strengthen a hollow member with a rib structure.

#### Conclusion

- 8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. The fax phone number for the organization where this application or proceeding is (571) 273-8300.
- 9. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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10. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

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6584.

TONY WINNER PATENT EXAMINER

March 27, 2007